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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 674,223	10/27/2000	Bruno Albert Jean Hubesch	CM1715F	5094

27752 7590 03/13/2002

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EXAMINER	
BOYER, CHARLES I	
ART UNIT	PAPER NUMBER
1751	8

DATE MAILED: 03/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/674,223

Applicant(s)

Hubesch et al

Examiner

Charles Boyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Dec 18, 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 22-37, and 41-60 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 22-37, and 41-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s).
- 18) ☐ Interview Summary (PTO 413) Paper No(s).
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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### DETAILED ACTION

This action is responsive to applicants' amendment and response received Dec 18, 2001.

Claims 22-37 and 41-60 are currently pending.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 22-37, and 41-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel et al, US 5,532,023.

Vogel et al teach a wrinkle reducing composition for use on fabrics (see abstract). The liquid carrier of the invention is an aqueous system comprising water and may contain organic solvents such as polyhydric alcohols and alkylene glycols (col. 12, lines 55-67). Antistatic agents such as choline esters may be added to these compositions (col. 11, lines 17-48). While Vogel et al generically teach the components of the present claims, they are not taught in the specific manner required by the claims. It would have been obvious to one of ordinary skill in the art to formulate a wrinkle reducing composition containing choline esters and organic solvents as these components are taught as suitable in the wrinkle reducing compositions of Vogel et al.

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Applicants have traversed this rejection on the grounds that choline esters are added to the compositions of Vogel et al as anti static agents, and not as wrinkle reducers. Applicants have claimed a wrinkle reducing composition as does Vogel et al. The reason Vogel et al add choline esters to their composition is immaterial to the fact that they may be added and so render obvious the composition presently claimed. As for the present claims being amended to include a salt, note that the quaternary ammonium surfactants of the invention are all salts. Accordingly, the rejection is maintained.

3. Claims 1, 22, 23, 26-37, 41-44, and 50-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trinh et al, US 5,578,563.

Trinh et al teach a composition for reducing malodor impression on inanimate surfaces (see abstract). The compositions of this invention include cyclodextrin, a surfactant, and a polyol selected from propylene glycol, ethylene glycol, glycerol, and mixtures thereof (col. 26, claims 1, 13, and 16). Trinh et al do not teach a composition in the precise manner required by the present claims, however, as each component is claimed by Trinh et al as preferred in their invention, it would have been obvious to one of ordinary skill in the art to prepare a composition according to the present claims based on the teachings of Trinh et al.

4. Claims 1, 22, 23, 26-37, and 41-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trinh et al, US 5,968,404.

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Trinh et al teach a composition for odor and wrinkle control (see abstract). The compositions of this invention include cyclodextrin, a surfactant, and a polyol selected from propylene glycol, ethylene glycol, glycerol, and mixtures thereof (col. 52, claims 1 and 21). Trinh et al do not teach a composition in the precise manner required by the present claims, however, as each component is claimed by Trinh et al as preferred in their invention, it would have been obvious to one of ordinary skill in the art to prepare a composition according to the present claims based on the teachings of Trinh et al.

5. Claims 1, 22, 23, 26-37, and 41-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trinh et al, US 6,001,343.

Trinh et al teach a composition for odor and wrinkle control (see abstract). The compositions of this invention include cyclodextrin, a surfactant, and a polyol selected from propylene glycol, ethylene glycol, glycerol, and mixtures thereof (col. 52, claims 1 and 21). Trinh et al do not teach a composition in the precise manner required by the present claims, however, as each component is claimed by Trinh et al as preferred in their invention, it would have been obvious to one of ordinary skill in the art to prepare a composition according to the present claims based on the teachings of Trinh et al.

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*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Boyer whose telephone number is (703) 308-2524. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Group is (703) 305-3599.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Charles Boyer

A handwritten signature in cursive script, reading "Charles Boyer". The signature is written in dark ink and is positioned to the right of the printed name "Charles Boyer".

March 11, 2002